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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,317	08/17/2007	Akira Umeda	04208.0245	2082
22852	7590	10/14/2008	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			RAEVIS, ROBERT R	
			ART UNIT	PAPER NUMBER
			2856	
			MAIL DATE	DELIVERY MODE
			10/14/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/594,317	UMEDA, AKIRA
	<b>Examiner</b>	<b>Art Unit</b>
	Robert R. Raevis	2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 August 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 10-15 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 6-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                         |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/17/07,11/5/07,7/15/08,9/18/08</u> . | 6) <input type="checkbox"/> Other: _____ .  |



## DETAILED ACTION

Claims 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 6, “detects...*with* said vibration generator” (italics added, line 5) is confusing, as the generator does not provide any detection elements. Doesn’t the sensor detect acceleration provided by the generator?

As to claim 7, “detects...*with* said vibration generator” (italics added, lines 4-6) is confusing, as the generator does not provide any detection elements. Doesn’t the sensor detect acceleration provided by the generator?

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant’s Statement.

Applicant describes (Figure 2; page 5, lines 4-22; corresponding to reference ISO 5247-11:1993, listed in the PTO-1449) obtaining the sensitivity of a sensor 1 by applying vibration acceleration  $A_{sin\omega t}$  to the sensor; and calculating “transverse sensitivity” (line 12 of p. 5). The axis of the (translational sensing) sensor 1 is aligned with the rotating (“varying an angle theta”, p. 5, lines 13-14) source 4 of vibration acceleration.

Figure 2 (and page 5) do not state that how the sensor 1 is connected to the source of vibration, and do not refer to a matrix.

As to claims 6,7, it would have been obvious to connect the accelerometer to a source of vibration Asinwt via a removable holder (i.e. jig) to allow for different size sensors to be connected to the same vibration source. In addition, it would have been obvious to calculate transverse sensitivity of one of the elements of a matrix as Applicant describes (p. 14, lines 13+, to p. 15, line 22) calculating sensitivity of elements of a matrix for subsequent usage.

As to claim 8, it would have been obvious to average two accelerometers to obtain a representative value.

As to claim 9, would have been obvious to employ the method of Figure 2 with a biaxial acceleration sensor as page 15, lines 4-22, relates determination of transverse sensitivity with biaxial sensors, which permits for accurate measurements.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kozlov et al teach (Para 102) measuring the transfer function of an accelerometer using a rotational oscillating table. Kozlov does not employ an independent measuring instrument (as called for in claims 6 and 7), as the PCS32i analyzer (Para 103) makes analysis based upon predetermined (lines 1-3 of Para 103) displacement, possibly suggestive of use of an external sensor (in lieu of predetermined displacements) for comparison. However, Kozlov's accelerometer clearly does not employ the claimed orientations ("transverse" (line 6 of claim 6; line 7 of claim 7) and

"axis ...defining the input acceleration to said sensor is *aligned* with a direction of a rotation axis of the vibration" (italics added, last three lines of claims 6 and 7).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevis whose telephone number is 571-272-2204. The examiner can normally be reached on Mon to Fri from 5:30am to 3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams, can be reached on 572-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Robert R. Raevis/

Primary Examiner, Art Unit 2856